SUPREME COURT, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970.

No. 1291

KELLWOOD COMPANY, OTTENHEIMER DIVISION,
Petitioner,

vs.

NATIONAL LABOR RELATIONS BOARD AND INTERNATIONAL LADIES' GARMENT WORKERS UNION, AFL-CIO,
Respondents.

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

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APPENDIX A.

Statutes Involved.

The following portions of the National Labor Relations Act, as amended (61 Stat. 136, 73 Stat. 519, 29 U. S. C. Sec. 151, *et seq.*), are involved in this case:

Section 7:

"Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities . . . ."

Section 8(a):

"It shall be an unfair labor practice for an employer—

(1) to interfere with, restrain or coerce employees in the exercise of their rights guaranteed in section 7;

• • •

(5) to refuse to bargain collectively with the representatives of his employees. . . ."

Section 8(c):

"The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit."

Section 8(d):

"For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment . . . but such obligation does not compel either party to agree to a proposal or require the making of a concession. . . ."

APPENDIX A1.

Opinion of the United States Court of Appeals for the Eighth Circuit dated December 23, 1970.

Before Gibson and Lay, Circuit Judges, and Heaven, District Judge.

Lay, Circuit Judge.

Kellwood Company, Ottenheimer Division, petitions to set aside a decision and order of the National Labor Relations Board issued against it for violations of the National Labor Relations Act. 29 U. S. C. A. § 158(a)(1), (3), (5). The Board has cross-petitioned for enforcement of its decision and order reported at 176 N. L. R. B. No. 8. The alleged unfair practices arise from the company's relationship with the International Ladies' Garment Workers' Union, AFL-CIO, relating to the company's operation of its three plants producing garments in Little Rock, Arkansas. In consolidated case No. 19,282, the union petitions for expansion of the remedial order relating to backpay. The primary appeal, No. 19,238, involved four separate charges filed by the union. The examiner has filed a 180 page report; the Board adopted the findings, conclusions and recommendations of the examiner with minor modification.

Upon a thorough canvassing of the record as a whole, we find substantial evidence and with one modification direct the Board's order to be enforced.

A brief history of events will suffice here. Kellwood operates approximately 26 separate plants throughout the United States, selling the major portion of its products